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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/266,269	03/11/1999	YOSHIHIRO HONMA	35.G2354	5569

5514 7590 11/04/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

WU, DOROTHY

ART UNIT	PAPER NUMBER
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2615

8

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

KS

Office Action Summary

Application No.

09/266,269

Applicant(s)

HONMA, YOSHIHIRO

Examiner

Dorothy Wu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 24-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 24-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 24-31 rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Uekane et al, U.S. Patent 5,559,554.

Regarding claim 24, the admitted prior art teaches a video signal processing apparatus, which reads on an image processing apparatus, comprising (page 1, lines 13-14): a memory (DRAM 21a) adapted to store an image captured by an image capture unit (CCD sensor) (page 5, lines 3-6, Fig. 2); a superimposing unit (superimposing circuit 24a) adapted to superimpose a character on the image read from said memory (DRAM 21a) (page 5, lines 11-15); a display unit (liquid crystal display panel 13a) adapted to display the image on which the character is superimposed; and an outputting unit (video amplifier 14a) adapted to output the image on which the character is superimposed to outside (page 3, lines 9-10; page 5, lines 18-21; Fig. 2).

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The admitted prior art does not teach two separate superimposing units, wherein the image processing apparatus performs a process of rotating the first character according to a rotation of the image processing apparatus before the first character is superimposed on the image. Uekane teaches that operation, date, and caution indications, which read on the characters, are rotated according to a rotation of the image processing apparatus (col. 14, lines 22-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the practice of rotating the character according to the rotation of the image processing apparatus prior to superimposing it on the image taught by Uekane with the apparatus of the admitted prior art to make an apparatus that reads out character data, rotates the first character in accordance with the rotation of the image processing apparatus, leaves the second character as is, superimposes the characters of a read-out image, and displays one image while outputting the other. One of ordinary skill would have been motivated to make such a modification to enable an image to be outputted to multiple channels in an orientation appropriate to the display or outputted channel.

Regarding claim 25, the admitted prior art teaches that for the image outputted to outside is rotated to match the dimensions of the TV monitor (page 5, line 22-page 6, line 8), which reads on a processing of rotating the image according to a rotation of the image processing apparatus before the second character is superimposed on the image.

Regarding claims 28 and 29, because the apparatuses of claims 24 and 25 are taught, the methods corresponding to the apparatuses are also taught.

Regarding claim 26, the admitted prior art teaches a video signal processing apparatus with a CCD, which reads a digital camera, comprising (page 1, lines 13-14): a memory (DRAM

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21a) adapted to store an image captured by an image capture unit (CCD sensor) (page 5, lines 3-6, Fig. 2); a superimposing unit (superimposing circuit 24a) adapted to superimpose a character on the image read from said memory (DRAM 21a) (page 5, lines 11-15); a display unit (liquid crystal display panel 13a) adapted to display the image on which the character is superimposed; and an outputting unit (video amplifier 14a) adapted to output the image on which the character is superimposed to outside (page 3, lines 9-10; page 5, lines 18-21; Fig. 2).

The admitted prior art does not teach two separate superimposing units, wherein the image processing apparatus performs a process of rotating the first character according to a rotation of the image processing apparatus before the first character is superimposed on the image. Uekane teaches that operation, date, and caution indications, which read on the characters, are rotated according to a rotation of the image processing apparatus (col. 14, lines 22-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the practice of rotating the character according to the rotation of the image processing apparatus prior to superimposing it on the image taught by Uekane with the apparatus of the admitted prior art to make an apparatus that reads out character data, rotates the first character in accordance with the rotation of the image processing apparatus, leaves the second character as is, superimposes the characters of a read-out image, and displays one image while outputting the other. One of ordinary skill would have been motivated to make such a modification to enable an image to be outputted to multiple channels in an orientation appropriate to the display or outputted channel.

Regarding claim 27, the admitted prior art teaches that for the image outputted to outside is rotated to match the dimensions of the TV monitor (page 5, line 22-page 6, line 8), which

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reads on a processing of rotating the image according to a rotation of the digital camera before the second character is superimposed on the image.

Regarding claims 30 and 31, because the apparatuses of claims 26 and 27 are taught, the methods corresponding to the apparatuses are also taught.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dorothy Wu whose telephone number is 703-305-8412. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-7644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

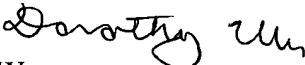
Washington, D.C. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)306-0377.


DW
October 31, 2003



ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600